

*** NOT FOR PUBLICATION ***

NO. 25842

IN THE SUPREME COURT OF THE STATE OF HAWAII

COLONY SURF, LTD., a Hawai'i corporation, Plaintiff-Appellee

vs.

POHAKU FUNDING AND INVESTMENT CORPORATION, trustee of the
2895-201 Kalakaua Land Trust, Defendant-Appellant

and

KEYSTONE FINANCIAL BANK, N.A., Defendant-Appellee

and

JOHN DOES 1-10; JANE DOES 1-10; DOE CORPORATIONS 1-10; DOE
PARTNERSHIPS 1-10; DOE GOVERNMENTAL ENTITIES 1-10; Defendants

APPEAL FROM THE FIRST CIRCUIT COURT
(CIV. NO. 01-1-3380)

ORDER DENYING MOTION FOR RECONSIDERATION

(By: Moon, C.J., Levinson, Nakayama, Acoba, and Duffy, JJ.)

Upon review of (1) Defendant-Appellant Pohaku Funding and Investment Corporation's (Appellant Pohaku Funding and Investment Corporation) December 9, 2003 motion to "vacate" our November 18, 2003 order dismissing the appeal, which we deem to be a motion for reconsideration pursuant to Rule 40 of the Hawai'i Rules of Appellate Procedure, (2) our November 18, 2003 order dismissing the appeal, and (3) the record,

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IT IS HEREBY ORDERED that Appellant Pohaku Funding and Investment Corporation's December 9, 2003 motion for reconsideration is denied.

DATED: Honolulu, Hawai'i, December 17, 2003.